

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDERICK FABRICIO,

Plaintiff,

-against-

SGT. JEFFREY MILLER, et al.,

Defendants.

ORDER

16-CV-08731 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for Ederick Fabricio (“Plaintiff”) and counsel for Keith Chase, Jeffery Erns, Keith Brokaw, Brian Corey, Sean Carlson, Jeffrey Miller, Reginald Lorde-Gray, and Stanley Phillips (collectively, “Defendants”) appeared for oral argument today on the parties’ motions *in limine*. (Doc. 170; Doc. 181). Argument was held on the record. For the reasons stated on the record, and the law cited therein, each motion is GRANTED IN PART and DENIED IN PART.

The parties are directed to meet and confer to discuss settlement, resolve outstanding objections to the Proposed Jury Instructions, and combined their Proposed Voir Dire submissions. The parties shall file by 5:00 p.m. on September 24, 2021: (1) a joint letter, no more than two pages, providing the date, time, and duration of each meet and confer along with the status of settlement discussions; (2) a Joint Proposed Voir Dire; and (3) Joint Amended Proposed Jury Instructions. As explained on the record, jury selection in this matter will commence on October 18, 2021 or October 20, 2021, as circumstances in the courthouse permit. Should the parties seek the Court’s assistance in fostering settlement discussions, they must so advise forthwith.

In light of the foregoing, the Clerk of the Court is respectfully directed to terminate the motion sequences pending at Doc. 170 and Doc. 181. The Court shall hold a final pretrial

conference at 3:00 p.m. on October 6, 2021. The Court shall advise the parties of the courtroom before the appearance date.

SO ORDERED:

Dated: White Plains, New York
August 31, 2021

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', is written over a horizontal line.

PHILIP M. HALPERN
United States District Judge